

REMARKS

Applicants wish to thank the Examiner for pointing out the improper dependencies of Claims 37 and 78. By the present Amendment, Applicants have canceled both Claims 37 and 78.

Applicants respectfully request reconsideration of the rejections under 35 U.S.C. §103(a) and, particularly, the proposed combinations of Hellman, III in view of Rabinovitz and Fortune, and Hellman, III in view of Saravis.

At the outset, Applicants wish to respectfully remind the Examiner that the Court of Appeals for the Federal Circuit has cautioned against improper use of Applicants' own patent application as a template upon which an obviousness type rejection is built. For example, in *Sensonics, Inc. v. Aerosonic Corp.*, 38 USPQ2d 1551, 1554 (Fed. Cir. 1986) the Court of Appeals for the Federal Circuit stated:

"To draw on hindsight knowledge of the patented invention, when the prior art does not contain or suggest that knowledge, is to use the invention as a template for its own reconstruction - an illogical and inappropriate process by which to determine patentability. *W. L. Gore & Assoc v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made.

Hellman, III teaches a management system for computer equipment including a passageway for interconnecting wires and cables. Each embodiment disclosed by Hellman, III has integrally formed channels for wires and/or cables along with openings which permit the cable and power cord to exit from the side of the system. The openings

are also to provide a nother function important to the use of the Hellman, III system, namely, to conveniently allow one to visualize the components therein (column 4, line 53-55). The teaching of Hellman, III thus has no applicability to enclosed industrial strength moving carts for moving the contents of a typical business office. In addition, Applicants' claimed enclosed modules are contrary to the teachings of the open modules of Hellman, III. The electric raceways and ducts as noted in Hellman, III, "allows wires to be routed directly within an enclosed chamber which has a labyrinth of passageways adaptable to the electronic equipment" (column 2, lines 34-36). This use of the word "enclosed" in the Hellman, III specification refers to keeping the wiring out of sight, not the enclosure of each module.

The Office Action took the position that one skilled in the art could modify the drawer disclosed in Hellman, III in view of Fortune. Hellman, III is not adaptable in this manner because to do so would render Hellman, II unsuitable for its expressed purpose. The keyboard storage drawer of Hellman, III is intended to provide a tray with complete access to a keyboard and not a means for enclosing the interior of each of the plurality of enclosures. If the drawer in Hellman, III was modified to have a front wall provided with a horizontally extending portion then the purpose of having complete access to the keyboard mounted to Hellman, III would be defeated. Therefore, the suggestion in the Office Action that Hellman, III could be modified with rails spaced to support hanging files would not have been obvious, making this proposed modification improper.

With respect to the proposed combination of Hellman, III and Saravis, it would not have been obvious to modify the structure of Hellman, III with support ribs on the inside and outside surfaces of the sides in order to increase the overall strength of the

frames as taught by Saravis. The latch/catch pairs disclosed in Saravis are constructed of flexible material and can be snapped together. This does not suggest or teach a high load bearing capacity. As stated in Saravis, its intended use is for "desktop use to hold pads, paper, pens, clips, computer disks, CDs or other media storage devices." (Section 0057). This storage assembly structure, therefore, cannot accomplish the purpose of the Applicants' claimed invention.

CONCLUSION

Applicants respectfully submit that all pending claims, as amended, are now in condition for allowance. If the Examiner has any questions or comments which may expedite the prosecution of this application, the Examiner is respectfully requested to contact Applicants' attorney at the telephone number set forth below.

Dated:

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Respectfully submitted,



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